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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/780,252

02/17/2004

Pratyush Moghe

TIZOR-001

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50086 7590 07/11/2008  
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EXAMINER

JUNG, DAVID YIUK

ART UNIT

PAPER NUMBER

2134

NOTIFICATION DATE

DELIVERY MODE

07/11/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mail@davidjudson.com

**Notice of Non-Compliant  
Amendment (37 CFR 1.121)**

Application No.

10/780,252

Examiner

David Y. Jung

Applicant(s)

MOGHE, PRATYUSH

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on \_\_\_\_\_ is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: See Continuation Sheet.
- ☒ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):  
See Continuation Sheet

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

**TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

/David Y Jung/

Acting Examiner of 2134, 7/5/08

Legal Instruments Examiner (LIE), if applicable

571-272-3836

Telephone No.

Continuation of 4(e) Other: Amendments to the claims seem unintended. Attorney clearly notes the claims to be in compliance with the Reasons for Potential Allowance in the previous Office Action, yet the claims do not include the limitations as noted in the Reasons for Potential Allowance.. ..

Continuation of 5 Other: Claims seem to be unintended. Claims may even possibly be mistakenly and incompletely typed. Attorney clearly notes the claims to be in compliance with the Reasons for Potential Allowance in the previous Office Action, yet the claims do not include the actual limitations as discussed. Only the words "changing over time" is put into the claims. "Changing over time" in and of itself makes no sense. "Changing over time" happens to the entirety of the universe. Very clearly, the attorney and the examiner meant to include the limitations of the original claims in the new claims; otherwise, "changing over time" would occur outside of the situation of the original claims. Mere "changing over time" would be an omnibus claim.

More likely, a mistake was made despite a good faith effort by the attorney. INSTEAD of a potential FINAL rejection, another chance for the attorney and the applicant seems to be in the interest of fairness and in the interest of the applicant and the attorney.

The attorney and the applicant are encouraged to discuss the matter with the examiner -- as noted in the previous Office Action. The attorney also called (in response to the examiner) and left a message on June 30, 2008, however, the examiner was unsuccessful in contacting the attorney.

From Examiner David Jung,  
dated: July 5, 2008  
signed: /David Y Jung/  
Acting Examiner of Art Unit 2134